IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

IN THE MATTER OF ARTICLES 14, 21, 48A, 51 A(g), AND 226 OF THE CONSTITUTION OF INDIA

AND

IN THE MATTER OF THE MINES AND MINERALS (DEVELOPMENT AND REGULATION) ACT, 1957 AND QUESTIONABLE PERMITS ISSUED FOR TRANSPORT OF ORE;

AND

IN THE MATTER OF TRANSPORT OF MINERAL ORE THROUGH THE VILLAGE ROADS OF MAYEM IN VIOLATION OF MOEF&CC OFFICE

MEMORANDUM DT. 29.10.2014 AND
EARLIER ORDER OF THIS COURT

1. **THE MULAKH KHAJAN FARMERS ASSOCIATION,**
   with office at Haldanwadi, Mayem, Bicholim, Goa - 403504,
   through its Secretary, Mr. Sakharam
   Anant Pednekar, age 58 years,
   H. No. 766, Gaonkarwada, Mayem,
   Bicholim, Goa - 403504,
   Approx. Annual Income - Rs. 1,20,000/-.
   AADHAR No. - 439600055987,
   Mobile - 9767050503.

2. **THE GOA FOUNDATION**
   through its Secretary, Dr. Claude Alvares,
   age 75 years, having Regd. Office at
   Room No 7, Above Mapusa Clinic,
   Mapusa, Goa - 403507,
   PAN No. AAAAG0249C,
   Income: Rs 10 - 15,00,000/- p.a. (approx.),
   Registration No. - 23/Goa/86,
   Email id: goafoundation@gmail.com

……**PETITIONERS**

v/s.

1. **THE DIRECTORATE OF MINES AND GEOLOGY,** Through its Director,
   Ground Floor of Institute Menezes Braganza,
   Panaji, Goa - 403001.

2. **THE STATE OF GOA,**
   through its Chief Secretary,
   Secretariat, Porvorim, Goa - 403521.

3. **THE DEPUTY COLLECTOR AND SDO**, **BICHOLIM,**
   Bicholim, Goa- 403504.

4. **THE MAMLATDAR, BICHOLIM,**
   Office of the Mamlatdar, Bicholim, Goa – 403504.

5. **THE BICHOLIM POLICE STATION**,
   through its Police Inspector,
   Bicholim, Goa - 403504.

6. **THE GOA STATE POLLUTION CONTROL BOARD,**
   through its Member Secretary,
   Near Pilerne Industrial Estate,
   Opposite Saligao Seminary,
   Saligao, Bardez, Goa – 403511.

7. **M/S BLUE GLOBE EXPORTS PRIVATE LIMITED**,
B-3, F-1, Prudential Paradise,
Peddem, Mapusa, Goa - 403507.

….**RESPONDENTS**

(Above addresses are registered addresses of parties)

To,

The Hon'ble Chief Justice

and His Companion Judges,

Bombay High Court at Porvorim, Goa

THIS HUMBLE PETITION OF THE PETITIONER MOST RESPECTFULLY SHOWS AS UNDER

PARTICULARS OF THE CAUSE AGAINST WHICH THIS PIL IS FILED

1. This Petition is filed in public interest. It is in substance a repeat of an earlier PIL writ petition filed by the petitioners in May 2022. In the earlier PIL WP (No. 23/2022), the petitioners had moved this Court in connection with the unmonitored and unregulated transport of ore through the village of Mayem by a successful bidder in an E-Auction by the State of Goa/Directorate of Mines. The E-auction had been challenged as fraudulent. The matter was disposed of by this Court on 25.07.2023 *inter alia* recording an undertaking by the private party that they would not transport ore through Mayem village. As a result, the PIL was disposed of without going into its merits. The order dt. 25.07.2023 is enclosed as **Annexure 1.**

2. Despite the order of this Court dt. 25.07.2023, the Directorate of Mines and Geology and the Goa State Pollution Control

Board [*who were party Respondents to the earlier P.I.L.*] have once again perversely permitted the transportation of ore through the village of Mayem, this time at the instance of another private party, M/s. Blueglobe Exports Pvt. Ltd. [*Resp. No. 7*]. The permits granted are entirely in contravention of the Ministry of Environment's Office Memorandum dt. 29.10.2014 which prohibits transportation of ore through habitations due to the severe hardship they cause to citizens. The large scale transportation of ore through Mayem has not only led to severe air and dust pollution, but has once again led to the breakdown of the water pipeline on the Mayem road – the same state of affairs which had led the petitioners to move this Hon'ble Court in the earlier P.I.L. Hence the present PIL.

PARTICULARS OF THE PETITIONERS

3. The Petitioner No. 1 is a farmers association of 141 farmers based in Mayem Village, Bicholim Taluka. The Association strives for the socio-economic betterment of farmers in Mayem. Agriculture in the village has been severely impacted by mining and related activities and the Petitioner has time and again followed up with various authorities to bring justice to the aggrieved farmers.

4. The Petitioner No.2 is an environment NGO based in Goa who has approached both, this Hon'ble Court and the Hon'ble Supreme Court, time and again over the past three decades, in

public interest, for enforcement of the provisions of environment, wildlife, forest, coastal regulation, land use, pollution and mining laws. All its members are citizens of India. The average annual income of the Petitioner organization is between Rs.10 to Rs.15 lakh. The Petitioner states that there is no civil, criminal or revenue litigation involving the Petitioner organization which has or could have a legal nexus with the issue involved in this PIL. The Resolution of the petitioner No. 1 organization, and the Resolution and Registration Certificate of the Petitioner No. 2 are herein marked and annexed to the petition as **Annexure 2 Colly.** Undertaking that the petitioner will disclose the source of information leading to the filing of the PIL is filed by the Petitioner No. 1 and is marked and annexed at **Annexure 3.**

Particulars of the Respondents

5. The Respondent No 1 is the Mines department which is in charge of e-auction of ore and issues permits for its transport. The Resp. No. 2 is the Chief Secretary, Government of Goa. The Respondent No. 3 is the Deputy Collector, Bicholim. The Resp. No. 4 is the Mamlatdar of Bicholim. The Respondent No 5 is the Police Inspector of Bicholim. The Resp. No. 6 is the Goa State Pollution Control Board which has to ensure that any activity in the state meets environmental norms. The Resp No.7 is the private party that is carrying out ore transportation on the village road of Mayem, and in whose favour permits have been issued by the D.M.G and the P.C.B.

Declaration of the Petitioners

6. The Petitioners state that this petition is filed by way of public interest, on behalf of the villagers of Mayem. It is true that the members of the Petitioner No. 1 are also directly affected by the pollution caused by mining transport through their village. However, reliefs claimed are in the interest of the village community as a whole, especially women, children and older villagers who are seriously affected by the activity.

7. The Petitioners state that the entire litigation costs and other charges are being borne by the petitioners.

8. The Petitioners state that adequate research has been conducted in the matter raised through the petition and all relevant material has been annexed to the petition. More may be added, if necessary, at a later stage.

9. The Petitioners have already stated that a similar P.I.L. W.P. 23/2022 was filed by the Petitioners in this Court regarding ore transport through the village of Mayem by a different private party, and the matter was disposed by this Court on 25.07.2023 without going into the merits of the matter, *inter alia* recording an undertaking by the private party that they would not transport ore through Mayem village. The Petitioners state that no other petition has been filed either in this Hon'ble Court or in the Supreme Court of India.

10. The Petitioners state that this Hon'ble Court has jurisdiction to hear and decide this matter.

11. The Petitioner has understood that in the course of hearing of this petition, the Court may require any security to be furnished towards costs or any other charges and the petitioner shall comply with such charges.

Facts constituting the cause

12. The Petitioners state that they approached this Hon'ble Court in May 2022 to halt the transport of mineral ores through the narrow village road that runs through their settlement. The mineral transport had also damaged the water pipelines of the village, besides being a hazard to the village community. This Hon'ble Court had taken note of the petition and had directed the authorities to repair the pipeline at the earliest. As there was also no monitoring by the Pollution Control Board, this Hon'ble Court stayed the transportation of ore. As a result of the petition, the pipeline was eventually repaired by the PWD. After the monitoring stations were set up, the party who was transporting the ore through the village moved this Court to allow the transportation through a different route which avoided the village altogether. On this ground, the petition was disposed of vide order dated 25.07.2023, without going into the merits of the issues raised in the PIL.

13. It appears that despite all the above and what had transpired, on 28th December 2023, the Directorate of Mines and Geology (the Resp. No. 1) has once again perversely allowed the

transportation of iron ore in the name of fraudulent "e-auctioned ore" through the village road of Mayem and in explicit disregard of the memorandum from the Ministry of Environment and Forests and Climate Change (MoEF&CC) dt. 29.10.2014 prohibiting the transport of mining materials through village roads. which states at Point No 2 (i):

> "Transportation of the minerals by road passing through the village shall not be allowed. A 'bypass' road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that the impact of sound, dust and accidents could be mitigated. The PP shall bear the cost towards the widening and strengthening of the existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads. (emphasis, ours)

A copy of the Office Memorandum dated 29.10.2014 is enclosed herein as **Annexure 4.**

14. On 8th January 2024, villagers of Mayem village were shocked to see 80-100 trucks transporting the mineral ore all over again through the narrow village road passing through the village settlement, creating enormous amounts of dust and noise in the village. To their dismay, on the 3rd day, the incessant transportation again resulted in the breakage of the water

pipeline that provides water for the villagers. Besides causing severe inconvenience to the villagers, the activity also created a major safety issue for elderly and school going children of the village as there was spillage of water and ore all over the main road. The mines department repaired the pipeline but there is no guarantee that there will not be further breakdown of the pipelines. After making enquiries they discovered that the party was transporting the ore pursuant to a permit issued by the DMG dt. 28.12.2023 to the Respondent No 7 which is enclosed at **Annexure 5.** This permit could never have been granted, as there is no ore inventorized at the site for the purpose of auction. The mines department is continually coming up with newer and hitherto undisclosed mineral stacks in collusion with traders. A full-scale inquiry needs to be conducted into these actions.

15. The DMG (*Resp. No 1*), was a party respondent in the earlier PIL and despite being aware of the orders of this court, has mechanically granted another permit for the transportation of ore through the same village road. The permit grants a period of 1 month from 28th December 2023 to 26th January 2024 to complete the transportation of the e-auctioned material which amounts to more than 20,000 MT. As such, the R. 7 has deployed several trucks [80-100] which are racing through the village roads to meet the permit's deadline. The origin of the ore is also suspect since as per inventory there is no such ore at site. These are all corrupt activities of the department.

16. Equally shocking is the conduct of the Goa State Pollution Control Board (*Respondent No 6.*), which has permitted the

route of ore transportation through Mayem village and accepted the application from the Respondent No. 7, a trader and transporter of the mineral ore. The Board was aware that on the previous occasion there was substantial spillage of water on the roads due to the truck transport of ore. The Board has a mandate to ensure that water, especially potable water, is not wasted through the grant of its permissions. It therefore ought to have consulted the PWD as to the carrying capacity of the village road, before permitting the same activity all over again. The Board via a letter dt. 14.12.2023 [***Ann. 6***] informed the DMG that it has installed the Ambient Air Quality Monitoring Stations at various locations on the route of transport of mineral ore, on the basis of the application of the Resp. No 7. The list of locations given in this letter includes one location from Mayem village which is at *the premises of the residential house of Shri. Devendra Gaunkarwaddo, Mayem, Bicholim-Goa.* The other locations (outside the village) include:

i. *On the open terrace of shop of Mrs. Vanika Sameer K. Gokulwadi, Sanquelim - Goa.*
ii. *On the open terrace of residential house of Mr. Pundalik Tukaram Gauns, H.no.58, Bharniwaddo, Navelim- Goa.*
iii. *On the open terrace of residential house of Mr. Sunil Satodkar, H.no.82, Sankaili, Kothambi, Surla - Goa.*
iv. *Bicholim Municipal Council Building, NAMP station at Bicholim.*

Petitioners state that only one of the above monitoring stations is in the affected village. The rest are in other locations outside the village in different talukas. In contrast, the previous occasion when ore transport was permitted through Mayem in 2022, the subject matter of the earlier P.I.L. W.P. No. 23/2022, three monitoring stations were installed in the village of Mayem.

17. The primary responsibility of the Pollution Control Board is to prevent air pollution and ensure the well-being of the residents of the state. In this case, the G.S.P.C.B., without paying any heed to the well-being of the villagers of Mayem, has given consent to the private Respondent to carry out transportation from the village road. The GSPCB was a party to the previous petition in PILWP 23/2022 and was aware of the interim relief that this Hon'ble High Court granted to protect the health and well-being of the villagers of Mayem. The GSPCB is also aware of the decision of this High Court in PILWP 23/2022 dt. 25.07.2023. In light of this, it is bewildering to understand the rationale behind the decision of the GSPCB to once again allow transportation of mineral ore through the village road in Mayem, when there are alternate routes available. The monitoring of air pollution through a machine installed in one of the residences does not solve the problem of air, dust and noise pollution, since ambient air monitoring is only actionable if done over a specific period of time, None of the board's officials are present at site to ensure that daily limits are not breached or to ensure the activity is

halted, if the limits are breached. For these reasons, the whole is a mechanical exercise having no meaning.

18. The Transit Permit issued by the DMG does not provide any specific transit route, except to state that the route for ore transport is from 'CCPL SIRIGAON to D.B. Bandodkar SIRIGAON'. The Final destination shown is DBB Bandodkar Jetty. It is the GSPCB in its letter to the DMG dt. 14.12.2023 which describes the route as "*CCPL - Sirgao, Mayem - Bicholim - Sanquelim - Navelim - ACC Cement Plant - Surla Kothambi - DBB Bandodkar Jetty.*" There is thus a discrepancy between the route demarcated by the GSPCB and the transit permit of the DMG dt. 28.12.2023, since all this has been approved without any application of mind.

19. The Petitioners advert to a letter dated 06.02.2020 from the GSPCB to the Director, Directorate of Mines setting out the terms under which transportation of ore may take place. These conditions have not been met with, either by the contractor/bidder, the Directorate of Mines and Geology or by the State Government institutions – resulting in absolutely unregulated and unmonitored rampant mineral truck transport through the village roads. A copy of the letter dated 06.02.2020 from the GSPCB is at **Annexure 7**.

20. The Petitioners submit that as per the physical count of the villagers, about 80-100 trucks have been plying through the village every day making about 4-5 trips each, amounting to over 400-500 truck movements per day. The mineral ore is

transported irresponsibly in violation of the P.C.B.s directives in its letter dt. 06.02.2020 – the trucks are far too many in number, they are mostly overloaded and often not covered with tarpaulin, despite this Hon'ble Court's directions – and this causes immense pollution in the areas through which the ore is transported and makes life unbearable. The drivers are also reckless. The vehicles have no fitness certificates. Earlier the department has insisted on 2 minute intervals between each truck movement. This is not followed. Air pollution (dust and noise) is severe and due to the constant movement of trucks, the water pipeline was damaged. Photographs of water collected on the Mayem road on account of a broken pipeline dt. 10.01.2024 are enclosed hereto as **Annexure 8 Colly.**

21. Since the illegal transportation of ore through the Mayem village road began, the villagers approached the authorities, including Respondent No 3, 4 and Respondent No. 5 with their representation, but no action was taken. Copies of the representations made to the Dy. Collector Bicholim and other authorities by local villagers [*dt. 10.01.2024*] and the Petitioner No. 1 [*dt. 12.01.2024*] are enclosed as **Annexure 9 Colly.**

22. On 13.01.2024, the villagers peacefully protested against the illegal transportation, but instead of receiving sympathetic attention of the authorities to the violation of their fundamental rights to clean air and the right to life, the protesters were met with abuses, harassment and intimidation from Respondent No 3, 4 and Respondent No 5. When the villagers of Mayem including members of the Petitioner No. 1, in furtherance of their right to life and a clean and healthy environment guaranteed by Article 21 of the Constitution, protested with the concerned authorities against the transportation through Mayem and pointed out the order of this Court, police officials were deployed in

Mayem to quell the protesters and allow the transportation to continue, with some protesters being detained by the police for almost 6-8 hrs. The villagers were informed to get another stay order from this Court. It has now become a trend in the administration to use police force to conduct this abnormal activity. It is in these circumstances that the petitioners have been constrained to move this Court once again for a stoppage of the transportation of ore through the village of Mayem, in violation of norms.

23. The Petitioners state that the road through the Mayem village was never used for ore transport in the past. Roads from Shirgaon to Shikeri Jetty and from Bicholim to Sarmanas Jetty were used by erstwhile lease holders for the transportation of ore, and both these roads do not pass through the village of Mayem.

24. Petitioner submits that any attempt to re-use the village road to transport mineral ores would result in renewed damage to the village road and dust and noise pollution for the villagers and therefore constitute a serious hazard for the village community. Hence petitioners are entitled to a ban on use of the village road for any transport of mined minerals. .

25. The petitioner No.1 and its members have suffered air pollution, threats to their safety, and severe inconvenience to their way of life by the actions of the respondents.

26. Petitioners will provide proof that the so-called e-auction of the ore is a fraudulent exercise and has no legal status. There was no ore to be e-auctioned at the site. The action is being conducted in violation of the Supreme Court's judgment dated 11.11.2013 and 21.04.2014 and must be investigated.

Grounds

27. The Petitioner is therefore approaching this Hon'ble Court in the public interest on the following major grounds, among others:-

a) Article 51 A (g) of the Indian Constitution bestows the duty on every citizen of India to protect the environment, similarly Article 48 A of the Constitution of India says: "The State shall endeavor to protect and improve the environment and to safeguard the forests and wildlife of the country." While the citizens were rightfully exercising their duty to the country, Respondent Nos 3, 4 and 5 are not fulfilling their constitutional responsibility.

b) The DMG could not have ignored the office memorandum issued by the MOEF&CC dt. 29.10.2014 banning the entry of mining trucks and traffic on village roads, as a condition under the environment clearance orders.

c) The existing Mayem village road being used for the ore transportation does not have sufficient carrying capacity and strength to withstand the trips of several trucks loaded with mineral ore passing through Mayem, and this is evident from the fact that within a few days of the transport starting last week, one water pipeline along the road had been ruptured.

d) No activity including transport of mineral ores can be done in violation of the conditions laid down by the regulatory authorities. In its judgment dated 21.04.2014, the apex Court has specifically directed the Board to ensure compliance with

pollution control norms related to mining operations. The Board has laid down several conditions for such transport vide its order dated 06.02.2020. Further, there was no ore to be e-auctioned at site and the entire transaction is without any legal basis.

Source of Information

28. The Petitioners are relying on information received under the provisions of the RTI Act, 2005, and obtained from the websites of Government Departments and official gazettes.

Delay, if any, in filing the petition, and Representations made

29. The Petitioner No 1. wrote a letter to the Respondent No 3 Dy. Collector on 12.01.2024 objecting to transportation of ore through the village road in light of the Hon'ble High Court of Bombay at Goa's order in P.I.L. W.P. 23/2022 and as a matter of abundant caution considering the health of the villagers, pollution and safety of the residents of Mayem. Several other villagers also wrote to the government authorities demanding the same, in terms of an objection letter dt. 10.01.2024 [*Both letters are enclosed at* ***Ann. 9 Colly***]. On 10th January 2024, the people of Mayem carried out a peaceful protest against the illegal transport but they were met with abuse, harassment and threats from the police. Thereafter finding no action whatsoever from the authorities, the petitioners decided to approach this Hon'ble Court with this PIL.

Documents relied upon

30. List of documents to be relied upon is provided in the index.

Nature and extent of injury:

31. It is unthinkable that the DMG would carelessly issue hundreds of permits for transport of ores through narrow village roads like those in Mayem village even after this Hon'ble Court's clear orders. The village panchayat has not been consulted nor its approval obtained. The village road has been seriously damaged, and so have the water pipelines alongside the road. It had to be repaired earlier owing to truck movement. The dust pollution raised is enormous and from past experience it will eventually invade all the residences along the village road making life insufferable. The trucks are a menace in themselves and are already resulting in traffic jams. All this is having serious impacts on people's health and peace of mind. For village children and older persons, it is an even higher level of distress. The safeguards enlisted for such activity are nowhere enforced nor enforced. Neither is there any official from the DMG nor Pollution Control Board present at the site of transportation. The speed with which the ore is being transported indicates a desire to complete the transaction and have the ore removed, in view of questionable circumstances.

Prayers:

32. The Petitioners are therefore praying for the following reliefs, in public interest:

    a) For a direction to quash and set aside the e-auction by which the mineral ore was sold to the Resp. No. 7; and the Transit Permit dt. 28.12.2023 issued by the Directorate of Mines and Geology, bearing permit No. IRT122300187, permitting the transport of mineral ore by the Resp. No. 7 through the village of Mayem;

b) For a direction to the Directorate of Mines and Geology not to issue any permits for the transport of mineral ore through the existing Mayem village roads, in terms of the M.O.E.F. O.M. dt. 29.10.2014;

c) For costs;

d) For any other reliefs that this Hon'ble Court may be pleased to grant in the facts and circumstances of this case.

Interim Relief:

e) Pending hearing and final disposal of this petition, for an order restraining the Respondent No. 7 from transporting ore through the village road of Mayem;

Ad-Interim, ex-parte relief:

f) Pending hearing and final disposal of this petition, for ad-interim, ex parte relief in terms of prayer (e) above.

For the above, the Petitioners are very grateful.

Caveat

33. No notice has been received of lodging a caveat by the opposite parties.

PLACE: Porvorim, Goa
DATE: 15.01.2024

PETITIONER NO. 1

PETITIONER NO. 2

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY, AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

The Mulakh Khajan Farmers Association and Anr. ….Petitioners

V/s

Director of Mines and Geology, Government of Goa & Ors …Respondents

AFFIDAVIT IN SUPPORT OF THE PETITION

I, Mr. Sakharam Anant Pednekar, Indian National, Secretary of the Petitioner No. 1 organization above named, do solemnly state on oath as under:

1. I say that I have today filed a Writ Petition in public interest for the reliefs sought therein, which has been prepared under the instructions of the Petitioners.

2. I state that there is no personal gain, private motive or oblique reason in filing the PIL.

3. The petitioners are ready to pay costs as ordered by the Court, if it is ultimately held that the petition is frivolous or has been filed for extraneous consideration or that it lacks bonafides.

4. The petitioners shall disclose the source of their information, leading to the filing of the PIL, if and when called upon by the Court to do so.

5. That the contents of paragraphs 1(p), 2(p), 3, 4, 5, 6, 7, 8, 9(p), 10, 11, 12(p), 13(p), 14(p), 15(p), 16(p), 17(p), 18(p), 19(p), 20(p), 21(p), 22(p), 23, 24(p), 25, 26(p), 27(p), 28, 29, 30, 31(p), and 33 of the accompanying petition are correct and true are true to the best of my knowledge and information collected by me from the Departments of Government and official gazettes/website/internet which I believe to be true, and the contents of paras 1(p), 2(p), 9(p), 12(p), 13(p), 14(p), 15(p), 16(p), 17(p), 18(p), 19(p), 20(p), 21(p), 22(p), 24(p), 26(p), 27(p), 31(p), and 32 are my submissions made on legal advice which I believe to be true and correct. No part of it is false and nothing material has been concealed therefrom.

6. I say that the documents annexed are true copies of their originals.

Solemnly affirmed at Porvorim, Goa,
this the 15th day of January 2024

Deponent .

ANNEXURE 1

Meena

IN THE HIGH COURT OF BOMBAY AT GOA

PIL WRIT PETITION NO.23 OF 2022

THE MULAKH KHAJAN FARMERS ASSOCIATION, THR. ITS SEC. SAKHARAM ANANT PEDNEKAR AND ANR ···Petitioner

VS

THE DIRECTORATE OF MINES AND GEOLOGY THR, ITS DIRECTOR AND 15 ORS ...Respondents

Ms Norma Alvares with Mr Om D'Costa, Advocates for the petitioner.

Mr Devidas Pangam, Advocate General with Mr Deep Shirodkar, Additional Government Advocate for respondent Nos.1 to 4.

Mr A.V. Pavithran with Mr P. Kholkar, Advocates for respondent No.5.

Mr A Gosavi with Ms K. Naik, Advocates for respondent No.8.

Mr J. Lohar, Advocate for respondent No.10.

Mr A.D. Naik, Advocate for respondent No.11.

Mr A. Parrikar, Advocate for respondent No.15.

Mr S.D. Lotlikar, Senior Advocate with Ms Sailee Kenny, Advocate for respondent No.16

CORAM: M.S. SONAK &
BHARAT P. DESHPANDE,JJ.

DATE: 25th JULY,2023

P.C.:

1. Heard Ms Norma Alvares with Mr Om D'Costa, learned Counsel for the petitioners, Mr Devidas Pangam, learned Advocate General with Mr Deep Shirodkar, learned Additional Government Advocate for respondent Nos.1 to 4, Mr A.V. Pavithran with Mr P. Kholkar, learned Counsel for respondent No.5, Mr A Gosavi with Ms K. Naik, learned Counsel for respondent No.8, Mr J. Lohar, learned Counsel for respondent No.10, Mr A.D. Naik, learned Counsel for respondent No.11, Mr A. Parrikar, learned Counsel for respondent No.15 and Mr S.D. Lotlikar, learned Senior Advocate with Ms Sailee Kenny, learned Counsel for respondent No.16

2. This petition was filed to stop what was termed as illegal transport from a mining dump through the village road of Mayem in Bicholim Taluka.

3. Ms Alvares now states that except respondent No.10, the other private respondents did not undertake transportation through the village road. She submits that the other private respondents were impleaded as parties because the petitioner has contended that dump mining was not permissible given the orders of the Hon'ble Supreme Court on the subject.

4. By our order dated 04/05/2022, we had restrained the transportation of dump ore. The restraint applied to respondent No.10 who was alleged to be transporting such ore through village road. However, liberty was given to the respondents to apply for vacation of the restrain after the Pollution Control Board sets up a mechanism to monitor the transportation and prevent any pollution in the village.

5. Respondent No.10, by filing a Misc. Civil Application No.108 of 2023 applied for vacation/modification of our order dated 04/05/2022. However, when the matter was heard on 20/03/2023, respondent No.10 pointed out that he would not transport ore through the village road and an alternate road has been identified which was reflected in the annexure of the application.

6. Accordingly, Misc. Civil Application No.108 of 2023 was allowed and the interim order dated 04/05/2022 was modified subject to respondent No.10 obtaining all the requisite permissions and taking all the adequate steps to transport the order through the alternate route.

7. Ms Alvares states that the issue of dump mining is already raised in Writ Petition No.28 of 2022 and therefore, this petition need not be kept pending. We however seek clarification that the petitioners or any other public interest litigant must have liberty to agitate the issue of dump mining either in Writ Petition No. 28 of 2022 or by filing independent proceedings.

8. Ms Alvares states that there was a grievance about water pipelines being damaged due to the transportation of ore before the restraint order could be made by this Court. Ms Alvare states that even the grievance is now redressed because the PWD has repaired these pipelines by spending an amount of approximately Rs.10 lakhs.

9. At this stage, the learned Advocate General points out that respondent No.10 who was responsible for damaging the water pipelines must reimburse the amount spent by the PWD. The learned Advocate General points out that the amount spent by the PWD is Rs.9,53,541/-. Mr Lohar states that this amount will be paid to the PWD within four

weeks from today. His statement is accepted as an undertaking to this Court and the same must be complied with by respondent No.10.

10. Accordingly, given the above developments this petition is disposed of. However, it is clarified that we have not gone into the issue of dumped mining and therefore, if such an issue is pending in some other petition and the petitioners wish to file independent proceedings concerning this issue, they are at liberty to do so.

11. The petition is disposed of in the above terms without any order for costs.

BHARAT P. DESHPANDE,J. **M. S. SONAK, J.**

MEENA VISHAL BHOIR Digitally signed by MEENA VISHAL BHOIR Date: 2023.07.25 18:06:44 +0530

Mulakh Khajan Tennant Association

Haldanwadi - Mayem, Bicholim - Goa.

मुळाख खाजन शेतकरी संघटना

हळदणवाडी, मये, डिचोली - गोवा.

Ref. No.: _____ Date : _____

Subject: Regarding the legal fight against illegal transport of Mining Dump in Mayem.

Resolution: Mayem Villagers and especially the farmers, have seen the devastating impact of illegal transport of ore. Farmers have been hit the hardest because of this. This transport has affected water bodies, rivers flow, air quality, agricultural yield and health of villagers of Mayem. In order to fight this injustice legally, through this meeting, the Mulakh Khajan association is permitting the president/Secretary to take all the necessary decisions on behalf of the Association in order to commence the legal fight in the necessary court of law including the Hon'ble High Court of Bombay at Goa.

With this declaration, the current meeting stands concluded.

True copy of resolution of Mulakh Khazan Tennant Association of Meeting dated 15th August 2020.

MULAKH KHAJAN TENANT ASS. Haldanwadi Mayem

President:
(Yeshwant Navso Kaubhatkar)

Secretary:
(Satharam Anant Pednekar)

C E R T I F I C A T E

In view of the Affidavit filed by the Secretary of the Society ' THE GOA FOUNDATION ' for the purpose of 3 (B) (4) of the Societies Registration (Goa Amendment) Act,1998, it is hereby certified that the registration of the said Society, registered under the Societies Registration Act, 1860 under No.23/Goa/86 is hereby renewed for a further period of five years w.e.f. 11-6-2000.

Dated:- 2nd August, 2000.

OFFICE OF INSPECTOR GENERAL SOCIETIES
PANAJI

(P. V. S. Sardessai)
Inspector General
By -Order

Registration renewed till 11-06-2015
Dated 21/01/2011

21/1/2011

Inspector General of Societies/
/District Registrar (North Goa)
By Order

Office of Inspector General of Societies

Registration renewed till 11-06-2020
Dated 24-09-2015

24/9/2015

Inspector General of Societies/
/District Registrar (North Goa)
By Order

Registration renewed till 11-06-2025
Dated 11-09-2020

11/09/2020

Inspector General of Societies/
/District Registrar (North Goa)
By Order

Office of Inspector General of Societies
North Goa, Panaji

G-8, St Britto's Apartments, Feira Alta, Mapusa 403507 Goa, INDIA
Tel: +91-(0)832-2256479; 2263305 *(also fax)*
E-mail: goafoundation@gmail.com *Website:* www.goafoundation.org

Certified Copy of Resolution of the Goa Foundation

Certified that the resolution copied below was unanimously passed and adopted at the AGM of the Society held on 13.8.2021:

"This AGM hereby authorises either the President or the Secretary to approach appropriate fora including the NGT, High Court and Supreme Court in respect of the public interest matters approved for filing after discussion at the AGM held on 13th August 2021."

(Dr Claude Alvares)

Secretary

ANNEXURE 3

IN THE HON'BLE HIGH COURT OF JUDICATURE AT BOMBAY, AT PORVORIM, GOA

P.I.L. Writ Petition No. /2024

Mulakh Khajan Farmers Association & Anr

…..Petitioner

Vs.

Directorate of Mines and Geology & Ors

….**Respondents**

UNDERTAKING IN SUPPORT OF THE PETITION

I, Mr. Sakharam Pednekar, Indian National, Secretary of the Petitioner No. 1 organization above named, undertake that I will disclose the source of information leading to the filing of this Public Interest Litigation if and when called upon by the Court to do so.

Place:

Date: Petitioner

ANNEXURE 4

No. Z-11013/57/2014-IA.II (M)
Government of India
Ministry of Environment, Forests and Climate Change
Impact Assessment Division
****

Indira Paryavaran Bhavan,
Jor Bagh Road, Aliganj,
New Delhi-110 003

Dated: 29th October, 2014

OFFICE MEMORANDUM

Subject: Impact of mining activities on Habitations-Issues related to the mining Projects wherein Habitations and villages are the part of mine lease areas or Habitations and villages are surrounded by the mine lease area- Regarding.

The Ministry has been receiving mining proposals wherein the habitations and villages are part of mine lease areas or habitations and villages are surrounded by the mine lease area.

2. To discuss the impact of mining activities on habitations and to develop a code of practice on these issues, a meeting was held under the Chairmanship of Shri M.S. Nagar, Chairman EAC (Non Coal Mining Sector) on 23.06.2014. After detailed deliberations by the Experts, the following suggestions were made as part of mitigation measures to avoid adverse impact of mining operations in the case of such habitations/villages:-

a) The Project Authority shall adopt Best Mining Practice for the given mining conditions. In the mining area, adequate number of check dams, retaining walls/structures, garland drains and settling ponds should be provided to arrest the wash-off with rain water in catchment area.

b) The natural water bodies and or streams which are flowing in and around the village should not be disturbed. The Water Table should be nurtured so as not to go down below the pre-mining period. In case of any water scarcity in the area, the Project Authorities have to provide water to the villagers for their use. A provision for regular monitoring of water table in open dug well located in village should be incorporated to ascertain the impact of mining over ground water table.

c) The illumination and sound at night at project sites disturb the villages in respect of both human and animal population. Consequent sleeping disorders and stress may affect the health in the villages located close to mining operations. Habitations have a right for darkness and minimal noise levels at night. The Project Proponents (PPs) must ensure that the biological clock of the villagers is not disturbed by orienting the floodlights/ masks away from the villages and keeping the noise levels well within the prescribed limits for day/night hours.

d) The Project Authority shall make necessary alternative arrangements, where required, in consultation with the State Government to provide alternate areas for livestock grazing. In this context, Project Authority should implement the directions of the Hon'ble Supreme Court with regard to acquiring grazing land. The sparse trees on such grazing ground, which provide mid-day shelter from the scorching sun should be scrupulously guarded against felling, lest the cattle abandon the grazing ground or return home by noon.

e) Where ever blasting is undertaken as part of mining activity, the Project Authority shall carry out vibration studies well before approaching any such habitats or other buildings to evaluate the zone of influence and impact of blasting on the neighbourhood. Within 500 meters of such sites vulnerable to blasting vibrations, avoidance of use of explosives and adoption of alternative means of mineral extraction, such as ripper/dozer combination/rock breakers/ surface miners etc. should be seriously considered and practiced wherever practicable. A provision for monitoring of each blast should be made so that the impact of blasting on nearby habitation and dwelling units could be ascertained. The covenant of lease deed under Rule 31 of MCR 1960 provides that no mining operations shall be carried out within 50 meters of public works such as public roads and buildings or inhabited sites except with the prior permission from the Competent Authority.

f) Main haulage road in the mine should be provided with permanent water sprinklers and other roads should be regularly wetted with water tankers fitted with sprinklers. Crusher and material transfer points should invariably be provided with Bag filters and or dry fogging system. Belt-conveyors should be fully covered to avoid air borne dust.

g) The Project Authority shall ensure that the productivity of agricultural crops is not affected due to mining operations. Crop Liability Insurance Policy has to be taken by the PP as a precaution to compensate for any crop loss. The impact zone shall be 5km from the boundary of mine lease area for such insurance policy. In case, several mines are located in a cluster, the Associations of owners of the cluster mines, formed inter-alia, to sub-serve such an objective, shall take responsibility for securing such Crop Liability Policy.

h) In case any village is located within the mining leasehold which is not likely to be affected due to mining activities during the life of mine, the Expert Appraisal Committee (EAC) should consider the proposal of Environmental Clearance (EC) for reduced mining area. The Mining lease may be executed for the area for which EC is accorded. The mining plan may also be accordingly revised and required stipulations under the MMDR Act, 1957 and MCR, 1960 met.

i) Transportation of the minerals by road passing through the village shall not be allowed. A ‘bypass’ road should be constructed (say, leaving a gap of at least 200 meters) for the purpose of transportation of the minerals so that the impact of sound, dust and accidents could be mitigated. The PP shall bear the cost towards the widening and strengthening of existing public road network in case the same is proposed to be used for the Project. No road movement should be allowed on existing village road network without appropriately increasing the carrying capacity of such roads.

j) Likewise, alteration or re-routing of foot paths, pagdandies, cart roads, and village infrastructure/public utilities or roads (for purposes of land acquisition for mining) shall be avoided to the extent possible and in case such acquisition is inevitable, alternative arrangements shall be made first and then only the area acquired. In these types of cases, Inspection Reports by site visit by experts may be insisted upon which should be done through reputed Institutes.

k) As CSR activities by Companies including the Mining Establishments has become mandatory up to 2% of their financial turn-over, Socio Economic Development of the neighborhood Habitats could also be planned and executed by the PPs more systematically based on the ‘Need

based door to door survey' by established Social Institutes/Workers on the lines as required under TOR. "R&R Plan/compensation details for the Project Affected People (PAP) should be furnished. While preparing the R&R Plan, the relevant State/National Rehabilitation & Resettlement Policy should be kept in view. In respect of SCs /STs and other weaker sections of the society in the study area, a need based sample survey, family-wise, should be undertaken to assess their requirements, and action programmes prepared and submitted accordingly, integrating the sectoral programmes of line departments of the State Government. It may be clearly brought out whether the village located in the mine lease area will be shifted or not. The issues relating to shifting of Village including their R&R and socio-economic aspects should be discussed in the EIA report."

3. The matter was examined in the Ministry and accordingly, it has been decided that the above mentioned conditions at para-2 (a-k) may be included as a condition of Environmental Clearance letter to mitigate the adverse impact of mining operations in the case of such habitations/villages.

4. This issues with the approval of Competent Authority.

(Dr. V.P. Upadhyay)
Director(s)
Tel: 24695304
Email- vp.upadhyay@nic.in

To:

1. All the Officers of IA Division/ROs of MoEF &CC
2. Chairpersons/Member Secretaries of all SEIAAs/SEACs.
3. Chairpersons/Member Secretaries of all SPCBs/UTPCCS

Copy to:-

1. PS to MEF.
2. PPS to Secretary (E&F).
3. PPS to AS (SS).
4. PS to JS (MKS).
5. PS to JS (MS).
6. PS to JS (BS).
7. Website, MoEF.
8. Guard File.

(Dr. V. P. Upadhyay)
Director(s)

Government of Goa
Directorate of Mines & Geology
Ground Floor,Institute of Menezes Braganza, Panaji Goa

TRANSIT PERMIT

Permit No IRT122300187 **Date 28-Dec-2023**

Organization/Trader	: BLUEGLOBE EXPORTS PRIVATE LIMITED	
Organization Code	: DMGTRA020	IBM Reg No : -
Mineral & Ore Type	: **Iron ore , ROM**	
Grade Slab	: **Below 55%**	Approx Grade(if any) : 52.00
Mineral Quantity	: **23667.620 Metric Tonne**	
Reference Permit No(if any)	: -	
e-Auction Details(if any)	: -	Challan No(if any) : -
Transportation Mode	: Road	
Source Location	: CCPL DSP SIRIGAO	
Destination Location	: D B BANDODKAR TIXEM JETTY	
Transit Route	: CCPL SIRIGAO TO D B BANDODKAR SIRIGAO	
Processing Fees	: ₹ 11833.81 @ ₹ 0.50 / Metric Tonne	
IT Processing Fees	: ₹ 11833.81 @ ₹ 0.50 / Metric Tonne	Taxes Extra : ₹ 2130.09
Permit Validity	: **28-Dec-2023 to 26-Jan-2024**	
Remarks	: Lot no: SIRIGAO MINING LEASE 07AMLG(ML-2)/CCPL/17, Sale Permit no: IRS052300152 Inv no: SGO/23-24/01	

Remarks by Sankalp Dessai ,Asst. Geologist on 27-Dec-2023 05:58:48 PM
The material was sold to Blueglobe Exports Pvt Ltd vide SALE PERMIT NO.IRS052300152DATED 24/05/2023.GPS fitted trucks be used for transportation
Remarks by Director
-

DIRECTORATE OF MINES & GEOLOGY GOVERNMENT OF GOA, PANAJI-GOA

28-Dec-2023 12:36:00 PM

Authorised by

Directorate of Mines & Geology

Permit holder to contact the Goa State Pollution Control Board for ambient air quality monitoring on the transportation route.

DISCLAIMER:

The DMG reserves the right to modify, suspend, continue or terminate all or any part of the permit in general, at any time without giving notice and without assigning any reason whatsoever.
* The Goa Prevention of Illegal Mining, Storage & Transportation of Mineral Rules, 2013 needs to be strictly followed.
* Any changes in the above details should be brought to the notice of the Directorate of Mines & Geology.
* Permit is subject to the condition that the trucks used to transit the ore has following valid documents Vehicle Registration Certificate ,Fitness Certificate ,Road Tax Certificate ,Insurance ,Pollution Under Control Certificate.

Note : This is an Electronically Generated Document.

Copy To : The Member Secretary of the Goa State Pollution Control Board for information and necessary action.

GOA STATE POLLUTION CONTROL BOARD

गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015, ISO 45001:2018 Certified Board)

Phone Nos : 0832- 2407700,
2407701, 2407703

Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary, GSPCB: ms-gspcb.goa@nic.in
Office: mail.gspcb@gov.in

No 3/57-23-PCB/Lab/20247 **By email/Hand Delivery** Date: - 14/12/2023

To,
The Director,
Directorate of Mines and Geology,
Ground Floor, Institute Menezes Braganza,
Panaji Goa.

Sub:- Transportation of ore.

Ref:-1. Letter dated 8/28/18-PCB/706/Tech/18396 dated 6/2/2020

2. Letter bearing no.2021/GSPCB/Other/Tech/21530 dated 15/3/2022

3. Letter bearing no.1/20/2022-PCB/FLM/Tech/21884 dated 17/3/2022

4. Letter bearing no.1/20/2022-PCB/FLM/21884/Tech/1432 dated 27/4/2022.

5. Letter bearing no.1/20/2022-PCB/FLM/21884/Tech/2269 dated 11/5/2022

6. Your letter no.3/50/2022/Major/Mines/724 dated 08/06/2022.

7. letter bearing no. 11/2/22-PCB/lab/11369 dt 28/09/2022

Sir,

The Board is in receipt of an application dated 27/10/2023 from M/s. Blueglobe Exports Private Limited requesting the Board to set up Ambient Air Quality Monitoring Stations along the transportation route from CCPL Sirgao, Mayem- Bicholim-Sanquelim- Navelim- Acc Cement Plant- Surla Kothambi - DBB Bandodkar Jetty.

In this regard, this office vide letter dated 11/5/2022 as referred to at sr.no.(5) above, has conveyed the minutes of the hearing held with officers of your department on the issue of transportation of ore.

A copy of the letter dated 28/09/2022 as referred to at sr.no.7 above is enclosed.

However no reply in this regard has been received by the Board from your office. Further, the Board on the request of the transporter/applicant as referred to above; has installed Ambient Air Quality Monitoring Station at the following location and has started the monitoring

1. **On the open terrace of shop of Mrs. Vanika Sameer K. Gokulwadi, Sanquelim- Goa.**
2. **On the open terrace of residential house of Mr. Pundalik Tukaram Gauns, H.no.58, Bharniwaddo, Navelim- Goa.**
3. **On the open terrace of residential house of Mr. Sunil Satodkar, H.no.82, Sankaili, Kothambi, Surla- Goa.**
4. **Within the premises of residential house of Shri. Devendra N. Sawant, Gaunkarwaddo, Mayem- Bicholim- Goa.**
5. **Bicholim Municipal Council Building, NAMP Station at Bicholim.**

You are requested to take note of the above and initiate further necessary action at your end and ensure that the guidelines issued by the Board by the letter dated 06/02/2020 are strictly complied by your department and the applicant/transporter.

A copy of the letter dated 06/02/2020 is attached herewith.

Yours faithfully,

(Dr. Shamila Monteiro)
Member Secretary-GSPCB

Copy to:-

1. M/s. Blueglobe Exports Private Limited, B-3, F1, Prudential Paradise, Peddem, Mapusa, North Goa- 403507- you are required to ensure the compliance to the conditions stipulated in letter no.8/28/18-PCB/706/Tech/18396 dated 06/02/2020.
2. Office copy
3. Guard file
4. Legal file.

GOA STATE POLLUTION CONTROL BOARD
गोंय राज्य प्रदूषण नियंत्रण मंडळ

(An ISO 9001-2015, ISO 14001:2015. OHSAS 18001:2007 Certified Board)

Phone Nos. : 0832-2407700
2407701, 2407702
2407703

Tel/Fax No. : 0832-2407700

Email Ids:
Chairman, GSPCB: chairman-gspcb.goa@nic.in
Member Secretary GSPCB: ms-gspcb.goa@nic.in
Environment Engineer, GSPCB: ee-gspcb.goa.nic.in
Scientist, GSPCB: scientist-gspcb.goa@nic.in
Office: goapcb@gspcb.in

No. 8/28/18-PCB/706 Tech/18396

Date : 06/02/2020

To,
The Director,
Directorate of Mines and Geology,
Institute Menezes Building,
Panaji Goa.

Sub: Transportation of Royalty paid ore in lieu of Supreme Court order dated 30/01/2020

Ref: 1) Your office email dt. 31/01/2020.
2) Our Letter No 8/28/18-PCB/706/Tech/18289 dated 05/02/2020

Sir,

With reference to subject cited above the transportation of royalty paid ore is be considered with following condition:

1. The trucks/tippers engaged in transportation of ore shall have sufficient free board after filling the cargo box to avoid spillage.
2. All trucks/ tippers engaged in the transportation of ore shall be covered with tarpaulin and the tarpaulin shall be properly fastened to the cargo box to ensure the ore does not get air borne or spill on the road.
3. In case of break down of loaded trucks / tippers unloading of ore at the road side shall be strictly avoided.
4. The roads within mining lease areas shall be sprinkled with water to suppress dust pollution.
5. Spillage of ore on the public roads shall be removed immediately on occurrence.
6. The mining Company should make suitable arrangements for sweeping of roads affected due to transportation of iron ore.
7. The mining firm should manage the daily trips in staggered manner in consultation with DMG, so that traffic congestion is avoided at major junctions.
8. The Board shall carry out monitoring along the route through the Ministry of Environment, Forests and Climate Change approved lab and monitoring charges under

"Information ... Right to Information Act 2005

PIO /APIO
Goa State Pollution Control Board, Saligao Goa

be recovered from the transporters/mining firms as per actual. The transporters/mining firms shall pay an advance of Rupees Three Lakhs towards the monitoring charges.

9. The Department of Mines to provide the transportation route for enabling the Board to identify suitable monitoring locations. The Department may also ensure power supply for the monitoring stations.

10. Speed of ore carrying trucks should be controlled by online GPS monitoring done by DMG through its authorized agency.

11. Road sweeping machines, may be jointly/severally developed in hotspot areas/stretches.

12. The shoulders of the mining transport roads may be tarred whenever needed.

13. Maintenance of public road in the mining area with respect to repair of potholes/widening of roads whenever necessary shall be undertaken from the proceeds of the District Mineral Fund.

14. The operator is required to carry out manual wheel washing in order to clean the wheels of the trucks and subdue dust arising out of it wherever wheel washing stations are not installed.

15. In case the air quality standards are breached the transport frequency should be reduced and the transporters to be levied polluter pays penalty.

16. The Department shall submit names and details of ore that shall be transported based on Hon'ble Supreme Court Order dated 30/01/2020.

17. The mining firms/transporters should apply to the Board with following documents/details:
    a. Challan of Royalty Paid
    b. Route (Transportation route map)
    c. Source of ore and final disposal point (Jetty/Plot/Industry)

This letter is issued in suppression of Letter No 8/28/18-PCB/706/Tech/18289 dated 05/02/2020

Yours faithfully,

(Dr. Shamila Monteiro)
Member Secretary
For Goa State Pollution Control Board.

Copy to:
1. M/s. Minescape Minerals Pvt. Ltd., M. G. road, Panaji-Goa
2. M/s. Minescape & Kadar Ores Pvt. Ltd, M. G. road, Panaji-Goa
3. Scientific Section.... ***to carry out monitoring along the transportation route.***
4. Office copy 5. Guard file

"Information" made available under
Right to Information Act 2005

PIO /APIO
Goa State Pollution Control Board, Saligao Goa

ANNEXURE 8 COLLY

Photographs showing accumulated water on the Maem Road owing to the water pipeline breakdown caused by heavy transportation of ore, dt. 10.01.24

Entry No 629
Date 10/01/24
Office of the Mamlatdar
Tal. Bicholim - Goa

From:

Shri. Nagesh Naik,
R/o Kelbaiwada, Mayem,
Bicholim, Goa,
And Villagers of Mayem.

Date: 10/01/2024.

To,

The Deputy Collector and S.D.O., North,
Bicholim, Goa.

Sub: Illegal use of route for transport e-auction Iron Ore/ROM in Village Mayem.

Sir,

The complainants most respectfully state and submit as under:-

1. It is to state that, on 08/01/2024, illegal transportation of e-auction Iron Ore/ROM is carried out from the Village Mayem without any permission from the Directorate of Mines and Geology.

2. That, one company namely blueglobe Exports Private Limited, is carrying illegal transportation of Iron Ore/Rom from the Village Route of Mayem, without any valid permit and further to add that the said company has obtained Transit Permit No. IRT122300187, to transport Iron Ore/Rom from CCPI Sirigao to D.B. Bandodkar Sirigao, and not from the Village route of Mayem, instead of following the specified route by the Directorate of Mines and Geology the said Contractor in violation the said permission has chosen the transportation through Mayem-Bicholim road and onward, a copy of which is submitted herewith for your perusal.

10/01/2024 at 12:35

BICHOLIM POLICE STATION

10/01/24

DESPATCH CLERK
Office of the Dy. Collector & S.D.O
Bicholim-Goa.

3. It is to submit that, the said company is transporting the Iron Ore/ROM from the Village Route of Mayem to another village, which the Villagers do not know the location which is in question.

4. It is to submit that, there is a Hon'ble High Court restraining to transport of Iron Ore/Rom from the Village route of Mayem under Misc. Civil Application No. 108 of 2023 in PIL Writ Petition No. 23 of 2022, that no transportation shall be carried out from Village Mayem, as there was a additional submission in the above case that alternate road has been identified for transportation of iron ore/rom, a copy of which is enclosed herewith.

5. It is to submit that the company is carrying major role keeping the Govt. Departments and Villagers of Mayem, by carrying illegal transportation of Iron Ore/ROM which is contempt of Court.

6. Therefore not contractor or the said contractor has no legal right to transport by bye-passing the High Court Order, the High Court has given the option to approach to get modified the Order. But the said contractor does not obey the High Court and therefore the present transportation is contempt of the High Court and be stopped immediately.

Therefore it is requested that, Illegal transportation of Iron Ore/ROM from the Village Mayem, may kindly be stopped immediately at your end failing which the Villagers of Mayem shall be at liberty to stop the Illegal transportation of Iron Ore/ROM which pleas note.

Yours faithfully,

(Shri. Nagesh Naik)

1. Ajit Sawant.
2. Sandeep Dhani
3. Vasant Mandrekar
4. Digambar Kirai
5. Santosh v. Malwankar - Malwankar.

Encl as above.

Copy to :

1) The Mamlatdar of Bicholim Taluka Bicholim,
2) The Police Inspector, Bicholim, Goa,
3) The Mines and Geology, Govt. of Goa, Panaji,Goa,
4) The Director, Pollution Control Board, Panaji, Goa,
5) The Secretary/Sarpanch, V.P. Mayem-Vainginim, Bicholim, Goa,
6) Hon'ble MLA, Maem Constituency.

Malakh Khajan Tennant Association

Haldanwadi - Mayem, Bicholim - Goa.

मुळाख खाजन शेतकरी संघटना

हळदणवाडी, मये, डिचोली - गोवा.

Ref. No. MKTA/Reg/2024-25/061 Date : 12/01/2024

प्रति,

मा. उपजिल्हाधिकारी
डिचोली गोवा

MULAKH KHAJAN TENANTS ASSOCIATION Haldanwadi Mayem

विषय: मये गावातून चालू असलेली खनिजमाल वाहतूक नियमांस अनुसरून रोखण्याबाबत.

संदर्भ ① आमचे निवेदन क्र. MKTA/REG/2023-24/057 दि. 28/11/2023

② कार्यवाहिबाबी स्मरणपत्र- क्र- MKTA/Reg/2023-24/060

महोदय,

उपरोक्त विषय व संदर्भास अनुसरून आपल्याकडून तातडीच्या कार्यवाहीची मागणी करतो.

आमच्या याचिकेच्या पत्रव्यवहारातील आशयास अनुसरून दि. 09/01/2024 रोजी सकाळी मये गावातून खनिज मालवाहतूक सुरू झालेली आहे. त्याचे सर्व दुष्परीणामास संपूर्णपणे आपले कार्यालय जबाबदार राहिल. तसेच जनतेने व शेतकऱ्यांनी कायदा हातात घेऊन आंदोलन करण्यास आपण भाग पाडलेले आहे.

महोदय यापूर्वी गावातून चालणाऱ्या खनिजवाहतूकीस विरोध करत आपल्या कार्यालयाने न्याय न दिल्यामुळेच आम्हाला विनाकारण पैसा खर्च करून कायद्याचे दरवाजे ठोठावे लागले त्यानंतर महामहिम उच्च न्यायालयाने काही निर्देश देऊन माल वाहतूकीला स्थगिती दिलेली होती.

Hitesh

Malakh Khajan Tennant Association
Haldanwadi - Mayem, Bicholim - Goa.
मुळाख खाजन शेतकरी संघटना
हळदणवाडी, मये, डिचोली - गोवा.

"2"

Ref. No.: _____ Date : _____

सदर स्थगिती आदेशास अनुसरुन कायद्याचे पालन न करणाऱ्या कोणत्याही पक्षाला रोखणे प्रशासनाचे कर्तव्य आहे. आज सदर बेदरकार वाहतूक पाहता कायदा फक्त गरीब तथा सामान्य शेतकऱ्यासाठी, नागरीकासाठीच असुन धनाढ्य व्यक्तिसाठी नाही याचे जीवंत उदाहरण म्हणे गोपालून होत असलेली रेवाण वाहतूक आहे.

तरी पुन्हा एकदा या पत्राद्वारे आपल्याला कळकळीची विनंती करण्यात येत आहे की सदर वाहतूक कायद्यास अनुसरुन नसल्यास तसेच प्रदूषणाचे नियम डावलून होत असल्याची खात्री असल्यास तथा ग्रामपंचायतीला बरोबर घेऊन करावी व तात्पुरत्या कारवाई करावी.

आपला आभारी

सचिव

मधुकर अनंत पेडणेकर (9767050503)

आपल्या माहितीसाठी :-

1. उच्च न्यायालयाच्या निवाड्याची प्रत
2. ज्याप्रमाणे केलेला मंत्र्यांच्या प्रती
3. प्रदूषण नियंत्रण मंडळाचे निर्देश प्रत
4. ग्रामपंचायतीला कोणत्या पत्रव्यवहाराची प्रत

[English *Translation of pgs49-50*]

Mulakh Khazan Tenant Association

Haldanwadi- Mayem, Bicholim-Goa,

Ref. No: MKTA/REQ/2024-2025/061 Date: 12/01/2024

To,

Dy. Collector,

Bicholim. Goa.

Subject: To stop the ore transportation through the Mayem village in accordance with law.

Ref: i. Our letter No.MKTA/REG/2023-24/057Dt. 28/11/2023

ii. Reminder letter No. MKTA/REG/2023-2024/060

Respected Sir,

We are demanding immediate action regarding the above-mentioned subject. Related to the subject of the letter, the transportation of ore from Mayem village has commenced on 09.01.2024 morning. Your office is responsible for all the damage that has been caused and will be caused due to the transportation activity. You are responsible for the protest by villagers and farmers of Mayem.

Because of your office's inaction to stop the mining transportation through the village road earlier, we had to spend money and approach the Hon'ble High Court, which stayed the transportation of trucks. It is a duty of every

government office to work in accordance with the order of the court and stop illegalities. But the illegal transport has again started in the Mayem which underlines that the law is obeyed by poor but rich can get away with violating the law easily.

Despite this, we are writing this letter to remind you to stop the transportation of mining truck in accordance of law and to consult with the Panchayat and the applicant regarding the legality of the transportation.

Signature of the head of the Association,

Sakharam Anant Pednekar